

Cigna Health Solutions India Private Limited

Prevention of Sexual Harassment Policy	
Version	1.0
Document Owner	Human Resource Department
Reviewed by	Centre Leader & Head of CHSI
Approved by	CHSI Board
Effective From	19 th April 2023

Purpose

Cigna Health Solutions India Pvt. Ltd is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and in a harassment free workplace to all employees without regard to race, caste, religion, colour, marital status, gender, age, nationality, ethnic origin or disability. The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the workplace or other than work place if involving an employee or employees is a grave offence and is therefore, punishable.

1.0 Preamble:

The Government of India has enacted The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013, w.e.f.09.12.2013. The Act aims to protect women against sexual harassment at the workplace by preventive measures like Training, Prohibitive measures like legal restriction, punitive measures like Disciplinary Action by Employer or Criminal action by police and rehabilitative measures like transfer and monetary compensation. This Policy has been framed to create a safe and conducive work environment to Women Employees, in line with the provisions of the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” of India (hereinafter referred to as the “Act”) and existing rules framed thereunder namely the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the “Rules”). This Policy further addresses issues of sexual harassment that person of any gender may face at the workplace; thus extending the provisions to also men and persons of the other gender.

2.0 Scope:

This policy applies to all categories of Employees of the Company, including Permanent Employees, Temporary Employees, Trainees, Consultants, Advisers, Adhoc Employees, Daily wage earners, Apprentices, Employees on contract, etc., at its workplace or at visits to partner Companies. The policy is applicable to all categories of Employees as stated above, irrespective of whether such persons have been engaged directly or through an agency or a contractor, and whether such Employees are working for remuneration or on a voluntary basis.

The policy shall also be applicable to all third parties such as visitors, clients, customers, contractors, service providers, and any other person authorized to be present within the premises/ workplace of CHSI.

The company will not tolerate sexual harassment, if engaged in by partners, or by suppliers or any other associates of the company. It shall extend to cover sexual harassment of women by men, of men by women or between the same sexes. Harassment is unlawful irrespective of who is involved in the behavior. The Policy offers protection to aggrieved person of any gender, and any aggrieved person irrespective of which gender they belong to (Male, Female & Other), are covered under the Policy, and may raise a complaint with the Internal Committee set up under this Policy.

3.0 **Important Definitions:**

a) **Workplace:**

- ✓ Premises, locations, establishments, enterprises, institutions, offices, branches or units established, subsidiaries which are controlled by the Company.
- ✓ Places visited by the Employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking a journey.
- ✓ Communication between two persons connected through the Company, through any medium of emails, phones, messages, or social media are also considered as behaviors covered under this Policy, irrespective of the physical location of the persons involved.

b) **Sexual Harassment:**

As defined under the Act includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- i) Physical contact and advances; or
- ii) A demand or request for sexual favours; or
- iii) Making sexually coloured remarks; or
- iv) Showing pornography; or
- v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following circumstances, among other circumstances, if it occurs or is present in relation to connected with any act or behavior of sexual harassment may amount to sexual harassment: -

- Implied or explicit promise of preferential treatment in her employment, in relation to a behavior of sexual harassment; or
- Implied or explicit threat of detrimental treatment in her employment, in relation to a behavior of sexual harassment; or
- Implied or explicit threat about her present or future employment status, in relation to a behavior of sexual harassment; or
- Interference with her work or creating an intimidating or offensive or hostile work environment for her, in relation to a behavior of sexual harassment; or

c) **Employee:**

As defined under the Act and means a person employed with the Company for any work on permanent, temporary, part-time, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, who with or without the knowledge of the Principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

d) **Employer:**

A person responsible for management, supervision and control of the workplace.

e) Aggrieved Person:

In relation to a workplace, a person, of any age, any gender, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

f) Complainant:

Any aggrieved person who makes a complaint alleging sexual harassment under this policy

g) Respondent:

"Respondent" means a person (employee) against whom the Complainant has made a complaint of Sexual Harassment.

h) Members:

"Member/s" means a Member/s of the Internal Committee.

4.0 Internal Committee (IC):

As per Section 4 of the Act and read with Section 6, every Employer having ten or more employees is required to constitute an Internal (ICC).

The detail of the committee is notified to all covered persons at the location (workplace). The committee at each location comprises of:

1.	Presiding Officer: A woman employed at a senior level in the organization or workplace
2.	At least 2 members from amongst employees, committed to the cause of women or who have had experience of social work or have legal knowledge
3.	One external member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment
4.	At least one half of the total members nominated being women

The committee will be responsible for:

1.	Receiving complaints of sexual harassment at the workplace
2.	Initiating and conducting inquiry as per the established procedure
3.	Submitting findings and recommendations of inquiries
4.	Coordinating with the employer in implementing appropriate action
5.	Maintaining strict confidentiality throughout the process as per established guidelines
6.	Submitting annual reports in the prescribed format

a. Committee Members

All the locations where the Company has branches or units, the below members of the ICC is to participate in the investigations/POSH related initiatives that are required to be Conducted

The members of IC would participate in quarterly meetings of IC and any investigations / POSH related initiatives that are required to be conducted in their respective Divisions / areas.

5.0 Term of Appointment of ICC

The Presiding Officer and every member of the Internal Committee shall hold office for a period not exceeding three years from the date of nomination as member as per Section 4(3) of the Act. However, the management of CHSI will review the Committee members from time to time and take necessary changes (if any).

6.0 Constituents of Sexual Harassment

6.1 Conduct must be unwelcomed, unwanted, uninvited, unreasonable, and/or offensive to the Complainant which may also adversely affects the dignity of the Complainant.

6.2 Physical contact is not an essential factor for sexual harassment.

6.3 A person's rejection of or submission to such conduct amounting to sexual harassment when is used explicitly or implicitly as a basis for a decision which affects that person's job, would also amount to sexual harassment

6.4 Conduct that creates an intimidating, hostile or humiliating working environment for the Complainant, in relation to an act or behavior of sexual harassment, also amounts to sexual harassment.

6.5 This Policy covers the act of Sexual Harassment related to employment or work. Thus, acts committed outside the office, for example in the cafeteria, on business travel in a flight or hotel, place of visit for official purpose such as client premises, offices, official events, etc. are covered under this Policy. Additionally, acts that are committed during Work from Home arrangements that are authorized and/ or mandated by the Organization would fall within the ambit of sexual harassment at the workplace. "Work from Home" here refers to a situation wherein Employees are working from a remote location which is not the Organization's physical premises, client/ vendor premises, or any other location within the ambit of Clause 3(a) of this policy.

6.6 The Respondent can be anyone over whom CHSI has enough control and, without limitation, can be the 'the aggrieved person's boss, Supervisor, sub-ordinate, trainer, colleague, mentor, coworker, vendor, contractor or agent of the Employer.

7.0 Exclusion

It is to be noted that this policy does not apply when the Complainant is performing work outside of Workplace, of their own accord and for personal reasons, and without the authorization of CHSI.

8.0 Third Party Harassment

8.1 Third party harassment means Sexual Harassment perpetrated by visitors, patrons, vendors, independent contractors, auditors, consultants, and others with whom the Employees have come in contact, directly or indirectly, because of CHSI having a relationship/business relationship with them.

8.2 Where the Sexual Harassment at the Workplace occurs as a result of an act or omission by any third party, CHSI shall take all steps necessary and reasonable to assist the affected employee in terms of support and preventive action.

9.0 Complaint of sexual harassment:

The complaint shall be submitted by the complainant to the IC in writing or shall be submitted to the IC electronically at **PoSH_CHSI@Cigna.com**. The complaint can also be physically submitted to any IC member.

The detailed procedural aspect is placed at **Annexure-1** to the policy.

Annexure-1

1. Complaint of sexual harassment:

a. Lodging a Complaint

An aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee within a period of 3 months from the date of incident/ last incident. The Internal Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint within the period.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the aggrieved person for making the complaint in writing.

1. If the Aggrieved Person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by:
 - a. A relative or friend; or
 - b. A co-worker; or
 - c. An officer of the National Commission for Women or State Women's Commission; or
 - d. Any person who has knowledge of the incident, with the written consent of the Aggrieved Person
2. If the Aggrieved Person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by:
 - a. A relative or friend; or
 - b. A qualified psychiatrist or psychologist; or
 - c. The guardian or authority under whose care they receiving treatment or care;

b. Manner and Procedure of inquiry into complaint

- Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
- The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.
- At the first meeting, the Committee members shall hear the Complainant and record their allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate their complaint.
- The Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
- Upon receipt of the complaint, the committee will send 1 copy of the complaint to Respondent within 7 working days of receiving the complaint.
- Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.
- Thereafter, the Respondent may be called for a deposition before the Committee and an opportunity will be given to them to give an explanation, where after, an inquiry shall be conducted and concluded.
- The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
- If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
- The Committee shall call upon all witnesses mentioned by both the parties.
- The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.

- If either party desires to tender any documents by way of evidence before the Committee, the same is to be supplied as original copies of such documents. Signatures should be affixed on the respective documents to certify these to be original copies.
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee is to make inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer are to be present
- The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy
- Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.
- A withdrawal of the Complaint made or filed at any stage of the proceedings shall not preclude the IC from proceeding with the investigation of the Complaint.

If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements. In case complainant or respondent seeks to ask questions to the other party, they may give their questions to the Committee in writing which asks them and records in writing the response statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.

c. Conciliation

1. Conciliation is a process where the issues raised by the Complainant are addressed through a process of discussion between the Complainant and the Respondent, and the process is facilitated by and in the presence of the IC. The Conciliation can be initiated only upon the consent of both the Parties – the Complainant and the Respondent.
2. The Complainant can request for conciliation before commencement of an inquiry by the IC. Or the IC may initiate a Conciliation in such circumstances where the Complainant has expressed the consent for such a settlement through a conciliation process. At no point of the inquiry or before its commencement, IC can influence or pressurize the Complainant or the Respondent to conciliate.
3. No monetary settlement shall be made as a basis of conciliation.
4. The IC shall then record the settlement so arrived in the form of a “Conciliation Report” and forward the same to the Employer to act as specified in such a Report.
5. The IC shall provide the copies of the settlement to the Complainant and the Respondent.
6. Where a settlement is arrived under conciliation, no further inquiry shall be conducted by the IC.

Note: In cases where the Complainant feels that it is a minor instance which could be redressed through conciliation settlement, only in such cases, conciliation can be arrived at.

d. Interim relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved person of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented by the Company, the same is informed to the committee.

e. Termination of Inquiry

Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without sufficient reason. 15 day written notice is to be given to the party, before termination of enquiry or ex-parte order.

f. Action to be taken after inquiry

Post the inquiry, the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry. A copy of the said report will also be given to the Complainant and the Respondent.

g. Complaint substantiated

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, which may include:

- i. Counseling
- ii. Apology to be tendered by respondent
- iii. Written warning
- iv. Withholding promotion and/or increments
- v. Suspension
- vi. Termination
- vii. Or any other action that the Internal Committee may deem fit.

The Company is required to act upon the recommendations made by the IC, within 60 days and confirm of the same to the committee. Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.

h. Penal Consequences of Sexual Harassment

In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint. Under the Indian Penal Code, (IPC), the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

i. False or Malicious Allegations

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved person or any other person making the complaint has made the complaint knowing it to be false or the aggrieved person or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against such a complainant or the person making the complaint.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

j. Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act, within 90 days of the recommendations being communicated.

k. Awareness

Awareness sessions will be organized by the Company to:

- Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.
- Carry out orientation programs and seminars for the Members of the IC.
- Conduct capacity building and skill building programs for the Members of the IC.
- Declare the names and contact details of all the Members of the IC and display them in conspicuous places.

l. Legal Compliance

The IC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act). The report shall have the following details:

- number of complaints of Sexual harassment received in the year
- number of complaints disposed of during the year
- number of cases pending for more than 90 days
- number of workshops or awareness program against Sexual Harassment carried out
- nature of action taken by the employer or District Officer

2. Examples of Instances Construed as Sexual Harassment

Sexual harassment is classified as below, which includes but is not limited to the following:

- a) Surreptitiously looking or prolonged staring at a person, giving rise to gross discomfort to the person.
- b) Telling sexist and smutty jokes or sending these through text, electronic mail, or other similar means, causing embarrassment or offense, and the same being carried out after the offender has been advised that they are offensive or embarrassing or, even without such advice, when they are by their nature clearly embarrassing, offensive or vulgar;
- c) Malicious leering or ogling.
- d) The display of sexually offensive pictures, materials, or graffiti.
- e) Unwelcome inquiries or comments about a person's sex life.
- f) Unwelcome sexual flirtation, advances, propositions.
- g) Making offensive hand or body gestures.
- h) Persistent unwanted attention with sexual overtones.

- i) Unwelcome phone calls, text messages, online messages/ communication, video calls, or any such verbal or virtual communication with sexual overtones causing discomfort, embarrassment, offense, or insult to the receiver
- j) Unsavory remarks about a person's physical characteristics, dressing, attitude, etc.
- k) Sexual assault.
- l) Unwanted touching or brushing against a victim's body.
- m) Unwelcome requesting for sexual favors which may (or may not) be in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance.
- n) Sexually derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person.
- o) Verbal abuse with sexual overtones; and
- p) Other analogous cases.

Sl. No	Action Point	Authority/Concerned Person	Time Limit
1	Complaint:	Complaint to be lodged by aggrieved woman Before Internal Committee	1)within 3 months from the date of the incident, or 2)in case of series of incidents, within 3 months from the date of the last incident.
2	Initiation of Inquiry Proceedings	By the Internal Committee, by sending the copy of Complaint to the Respondent	Within 7 working days of receipt of the Complaint,
3	Reply by the Respondent along with his list of documents, names, and addresses of witnesses	To the Internal Committee	Within 10 working days from the day of receipt of the copy of the Complaint forwarded by IC.
4	Completion of Inquiry proceedings	By IC	Within 3 months from the date of receipt of Complaint
5	Submission of Inquiry Report and Findings along with Recommendations by IC	To the Employer	Within 10 days of completion of Inquiry Proceedings by IC
6	Implementation of Recommendations made in the Inquiry Report of IC	By the Employer	Within 60 days of the receipt of the recommendations made in the Inquiry Report by IC
7	Appeal	By the aggrieved person	Within a period of 90 days of Recommendations by IC.